

Our ref USA039.930801

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July 1, 2020

**VIA ECF**

Honorable Katherine Polk Failla, U.S. District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

Re: US Specialty Insurance Co. v. Wesco Ins. Co. v. Colony Ins. Co.  
S.D.N.Y. Docket No.: 1:19-cv-4260-KPF  
Wesco Ins. Co. v. Colony Ins. Co.  
S.D.N.Y. Docket No. 1:19-cv-3295--KPF  
Our File No.: LF 127.0567015

Dear Judge Failla:

We represent defendant/third-party plaintiff/plaintiff Wesco Insurance Company in this matter.

Per the court-ordered deadline, Wesco timely filed its summary judgment motion on May 27, 2020. In its recently filed opposition papers, third-party defendant/defendant Colony Insurance Company accurately brought to our attention that we failed to file with our moving papers a 56.1 Statement. In fact, although we had timely prepared the Statement (copy attached), we inadvertently failed to include it with the other motion papers. We thus respectfully request that the Court grant Wesco leave to file the Statement and allow Colony ample time to respond.

We apologize for the inconvenience.

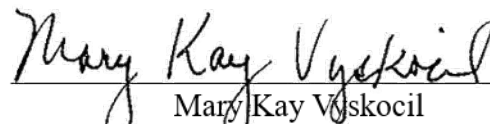
Respectfully yours,

/s/ Max W. Gershweir  
**Max Gershweir**  
Partner  
for Kennedys

Encl.

**Granted. SO ORDERED.**

Date: July 1, 2020  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge